

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY MONTEVIDEO NIACT IMMEDIATE

C O N F I D E N T I A L STATE 081221

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E.O. 11652: GDS

TAGS: PFOR, UY, US

SUBJECT: TEMPORARY REFUGE CASE OF CASILDO HERRERAS

REFERENCE: MONTEVIDEO 1184

1. THE PROTOCOL RELATING TO THE STATUS OF REFUGEES AND THE 1951 REFUGEE CONVENTION PLACE OBLIGATIONS ON A CONTRACTING PARTY ONLY WITH RESPECT TO REFUGEES WITHIN AREAS SUBJECT TO ITS JURISDICTION. IN CASES INVOLVING TEMPORARY REFUGEE THE CONVENTION AND PROTOCOL ARE NOT REPEAT NOT RELEVANT. FURTHERMORE, THEY RELATE ONLY TO REFUGEES WHO HAVE ESTABLISHED A WELL-FOUNDED FEAR OF PERSECUTION BASED UPON RACE, RELIGION, NATIONALITY, POLITICAL OPINION, OR MEMBERSHIP IN A PARTICULAR SOCIAL GROUP, AND NOT REPEAT NOT TO THOSE SIMPLY ATTEMPTING TO AVOID CRIMINAL PROSECUTION. WE HAVE CONSISTENTLY HELD THAT
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ASYLUM IS THE RIGHT AND RESPONSIBILITY OF THECOUNTRY

IN WHICH THE REQUEST IS MADE. IN THE ABSENCE OF EVIDENCE THAT PERSECUTION IS INVOLVED, IT WOULD BE OFFENSIVE TO BOTH THE GOU AND THE GOA FOR THE USG TO SUGGEST THAT THESE AGREEMENTS ARE RELEVANT.

2. IF YOU ARE CALLED IN TO THE FOREIGN MINISTRY TO EXPLAIN YOUR ALLEGED "DEMAND" FOR GUARANTEES OF HERRERAS'

SAFETY, THE DEPARTMENT SUGGESTS THAT YOU MAKE THE FOLLOWING POINTS:

A. HERRERAS APPEARED VOLUNTARILY AT THE EMBASSY AND REQUESTED REFUGE, ALLEGING THAT HE FELT HIMSELF ENDANGERED BECAUSE HE WAS BEING FOLLOWED BY SEVERAL INDIVIDUALS WHO IDENTITY, AND, INDEED, NATIONALITY, WAS UNKNOWN.

B. THE EMBASSY HAD RECEIVED NO REPEAT NO INSTRUCTIONS FROM THE DEPARTMENT REGARDING HERRERAS, BUT, IN ACCORDANCE WITH LONG-STANDING GUIDANCE FOR SUCH CASES, THE EMBASSY WAS ATTEMPTING TO ASCERTAIN ALL RELEVANT FACTS RELATING TO THE REQUEST FOR REFUGE.

C. THE EMBASSY'S CALL TO THE FOREIGN MINISTRY WAS THUS A SIMPLE REQUEST FOR INFORMATION AND SHOULD NOT REPEAT NOT BE TAKEN AS A REQUEST BY THE USG FOR ASSURANCES BY THE GOU.

D. IF THE FONMIN ASKS FOR CONFIRMATION THAT TEMPORARY REFUGE WAS GRANTED, THE EMBASSY MAY WISH TO SAY THAT THIS QUESTION IS MOOT SINCE HERRERAS LEFT THE EMBASSY VOLUNTARILY.

3. THE DEPARTMENT AGREES THAT THE EMBASSY SHOULD NOT COMMENT ON ANY PRESS COVERAGE WHICH MAY RESULT FROM THIS INCIDENT. KISSINGER

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